THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 12763 of 2000

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Dated 16-08-2005

Between:

1 A.Narashmha Reddy, S/o Late A.Naryana Reddy,
R/o H.No.2-2-18/15/1(C), Durgabai Deshmukh Colony,
Hyderabad-13.
2 A.Raghpathi Reddy, S/o Late A.Naryana Reddy,
R/o Tilak Nagar, Hyderabad.
3 M.Geetha, W/o M.Shankar Reddy,
H.No.2-2-1075/15/A, Ameerpet,
Hyderabad-13.
4 A.Devender Reddy, S/o A.Pratap Reddy,
H.No.2-2-1075/15/A, Ameerpet,
Hyderabad-13.
5 A.Narender Reddy, S/o A.Pratap Reddy,
H.No.2-2-1075/15/A, Ameerpet,
Hyderabad-13.
6 A.Surender Reddy, S/o A.Pratap Reddy,
H.No.2-2-1075/15/A, Ameerpet,
Hyderabad-13.
7 A.Venkatswara Reddy, S/o A.Pratap Reddy,
H.No.2-2-1075/15/A, Ameerpet,
Hyderabad-13.

..... PETITIONERS

AND

1 The Joint Collecter, Ranga Reddy District at Lakidikapool,
Hyderabad.

2 Revenue Divisional Officer, East Division,

Ranga Reddy District, Near Exhibition Grounds, Hyderabad.
3Mandal Revenue Officer,
Ghatkesar Mandal, Ghatkesar,
Ranga Reddy District.
4 R.Kamalakar Reddy, S/o Rami Reddy,
R/o H.No.2-3-35/K/1, Shankar Nagar, 6 Number Bus Stop,
Golnaka, Hyderabad.
5 A.Pratap Reddy, S/o A.Naryana Reddy,
R/o 2-2-1075/15/A, Ameerpet, Hyderabad-13.
6 E.Bhoopal Reddy, S/o Malla Reddy,

Flat No.301, 3rd Floor, Castle Residency, Apartments, H.No.7-51,

Beside Little Roses School, Bapuji Nagar,
Nacharam Village, Ranga Reddy District.
7 E.SriDevi, W/o E.Bhoopal Reddy,
Flat No.301, 3rd Floor, Castle Residency, Apartments, H.No.7-51,

Beside Little Roses School, Bapuji Nagar,
Nacharam Village, Ranga Reddy District.

8 E.Sushantha Reddy, S/o E.Bhoopal Reddy,
Flat No.301, 3rd Floor, Castle Residency, Apartments, H.No.7-51,

Beside Little Roses School, Bapuji Nagar,
Nacharam Village, Ranga Reddy District. R8 are Minors, Rep by their

Guardiance& Father E.BhoopalRed
9 E.Divya , D/o E.Bhoopal Reddy,
Flat No.301, 3rd Floor, Castle Residency, Apartments, H.No.7-51,

Beside Little Roses School, Bapuji Nagar,
Nacharam Village, Ranga Reddy District. R9 are Minors, Rep by their

Guardiance& Father E.BhoopalRed

.....RESPONDENTS

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 12763 of 2000

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ORDER:

This writ petition has been filed by the petitioners who are seven in number with a prayer to issue a writ, order or direction, more particularly in the nature of Writ of Certiorari calling for the records and quash the orders of the Joint Collector-1st respondent passed in Case No.D5/4335/97 dated 20-05-2000 confirming the order of the Revenue Divisional Officer-2nd respondent in file No.A2/5556/96 dated 16-6-1997 and the orders of the Mandal Revenue Officer-3rd respondent in ROR/5-A/35/95,
dated 9-2-1996.

The brief facts of the case giving raise to filing of the writ petition by the petitioners are:-

One A.Narayana Reddy owned Ac.13.21 guntas of land in Survey No.60 and Ac.3.07 guntas in Survey No.62 situated in Chengicharla Village of Ghatkesar Mandal, Rangareddy District. R.Kamalakar Reddy-4th respondent filed an application before the Mandal Revenue Officer, Ghatkesar under Section 5-A of A.P.Rights in Land & Pattedar Pass Books Act, 1971 (herein after referred to as the 'R.O.R Act, 1971') for regularization of sale deed. He claimed that he purchased the property under the sale deeds dated 23-7-1980 and 24-7-1980. The Mandal Revenue Officer considered the application of the 4th respondent and passed the orders for regularizing the sale and issued Form-'B' on
9-2-1986. The petitioners being the legal representatives of A. Narayana Reddy, challenged the proceedings of the Mandal Revenue Officer by filing an appeal

before the Revenue Divisional Officer, East Division, Ranga Reddy District. The said appeal ended in dismissal on 16-6-1997. They challenged the orders passed in the appeal by filing revision before the Joint Collector. Their revisions ended in dismissal on 20-5-2000.

Hence this writ petition.

The learned counsel appearing for the petitioners submits that petitioners Nos.1, 2 and R-5 are the sons of Narayana Reddy, whereas the petitioner No.3 is the daughter and petitioners No.4 to 7 are the sons of R-5. It is the further case of the petitioners that Narayana Reddy never executed an agreement of sale or sale deed in favour of R.Kamalakar Reddy and that Narayana Reddy died in the year 1983 i.e., much earlier to the initiation of proceedings before the Mandal Revenue Officer-3rd respondent for regularization of sale deeds said to have been executed by Narayana Reddy on 23-7-1980 and 24-7-1980.

The learned counsel appearing for the respondents submits that the 4th respondent is claiming the property under registered sale deed and therefore, the Mandal Revenue Officer-3rd respondent justified in granting Pattedar Pass book and title deeds under the provisions of R.O.R.Act. The other contentions raised by the respondents need not be referred in view of the order proposed to be passed. It is suffice to say that proceedings were initiated by the Mandal Revenue Officer for regularization of sale deed. The original owner Narayana Reddy was not alive. Legal Representatives of Narayana Reddy were not put on notice of the proceedings initiated by R-4 before the Mandal Revenue Officer. The question whether R-4 based his claim on the sale deeds or agreement of sale cannot be adjudicated in the writ jurisdiction. Since the legal representatives were not put on notice, there were no pleadings on their behalf before the Mandal Revenue Officer to adjudicate upon the rival claims. Such is the is the situation, I deem it appropriate to set aside the orders of Mandal Revenue Officer, Revenue Divisional Officer and Joint Collector (original authority, appellate authority and Regional authority) and remand the matter back to the Mandal Revenue Officer to give notice to the petitioners and adjudicate upon the application filed by the 4th respondent for regularization. This exercise must be done by the Mandal Revenue Officer-3rd respondent as expeditiously as possible preferably within four months from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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16th August, 2005.

Note:

Communicated the copy within one week.

B/O

Mrb